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April 4, 2023

VIA ELECTRONIC FILING

The Honorable Colm F. Connolly
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: Jibbitz, Inc. v. Shoe Charms LLC, C.A. No. 22-43-CFC

Dear Chief Judge Connolly,

I write on behalf of Plaintiff Jibbitz, Inc. (“Jibbitz”) in *Jibbitz, Inc. v. Shoe Charms LLC*, C.A. No. 22-43-CFC regarding Defendant Shoe Charms LLC’s (“Shoe Charms”) failure to retain counsel in accordance with the Court’s orders.

On September 30, 2022, Shoe Charms’ counsel filed a motion to withdraw. D.I. 41. On October 11, 2022, the Court granted that motion. D.I. 43. On November 22, 2022, the Court ordered that Shoe Charms retain counsel by January 23, 2023, noting that “[f]ailure of Shoe Charms LLC to comply with this order shall be considered a failure to defend and the court shall conduct a hearing at some time in the future to determine whether judgment (and in what amount) shall be entered against it.” D.I. 45. On January 19, 2023, Shoe Charms filed a motion for an extension of time to find representation, D.I. 46, which the Court granted on January 24, 2023, providing Shoe Charms until March 1, 2023 to retain counsel. D.I. 47.

Over a month has passed since Shoe Charms was ordered to retain counsel. To date, however, the docket reflects no entry of appearance by counsel on behalf of Shoe Charms. Likewise, counsel for Jibbitz has received no communication from Shoe Charms or any counsel on behalf of Shoe Charms suggesting that it has complied with the Court’s orders. We further note that this is at least the second instance in this case in which Shoe Charms failed to timely retain counsel or defend this action in compliance with local rules and/or the Court’s orders. *See, e.g.*, D.I. 11 (Jibbitz’s Request for Entry of Default for failure to retain counsel); D.I. 24 (Order granting Shoe Charms’ Motion for Leave to File an Answer Out of Time).

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In view of Shoe Charms' repeated failures to appear or otherwise defend this action within the time allowed, Jibbitz respectfully requests that the Court enter a default against Shoe Charms pursuant to Fed. R. Civ. P. 55(a), or, in the alternative, set a hearing "to determine whether judgment (and in what amount) shall be entered against [Shoe Charms]." D.I. 45.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:nmt/10722586/21615.00001

cc: Clerk of Court (via hand delivery)
Shoe Charms LLC (via Federal Express)
c/o Eric Ponce, 3886 Pleasant Oaks Drive, Lawrenceville, GA 30044